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IN THE SENATE OF THE UNITED STATES,

JULY 23, 1852.

Read twice, and referred to the Committee on Public Lands.

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**AN ACT**

To grant the right of way to all rail and plank roads and Macadamized turnpikes passing through the public land belonging to the United States.

1       *Be it enacted by the Senate and House of Repre-*  
2       *sentatives of the United States of America in Congress*  
3       *assembled,* That the right of way shall be and is hereby  
4       granted to all rail and plank road or Macadamized turn-  
5       pike companies that are now or that may be chartered  
6       within ten years hereafter, over and through any of the  
7       public lands of the United States, over which any rail or  
8       plank road or Macadamized turnpikes are or may be au-  
9       thorized by an act of the legislature of the respective  
10      States in which public lands may be situated; and the  
11      said company or companies are hereby aathorized to sur-  
12      vey and mark through the said public lands, to be held by  
13      them for the track of said road, one hundred feet in width :  
14      *Provided,* That in case where deep excavation or heavy

15 embankment is required for the grade of such road, then  
 16 at such places a greater width may be taken by such com-  
 17 pany, if necessary, not exceeding in the whole two hun-  
 18 dred feet.

1       SECT. 2. *And be it further enacted*, That the said  
 2 company or companies shall have the right to take from  
 3 the public lands in the vicinity of said road or roads all  
 4 such materials of earth, stone or wood as may be necessa-  
 5 ry or convenient from time to time, for the first construc-  
 6 tion of said road or roads, or any part thereof through  
 7 said land.

1       SECT. 3. *And be it further enacted*, That there shall  
 2 be and is hereby granted to said company or companies,  
 3 all necessary sites for watering places, depots and work-  
 4 shops along the line of said road or roads, so far as the  
 5 places convenient for the same may fall upon the public  
 6 lands: *Provided*, That no one depot or watering place  
 7 shall contain over one square acre, and that said sites shall  
 8 not be nearer to each other than ten miles along the line  
 9 or lines of said road or roads: *Provided further*, That the  
 10 said grants herein contained, as well of the use of the pub-  
 11 lic lands, as of the materials for the construction of said  
 12 road or roads, shall cease and determine, unless the road or  
 13 roads be begun within ten years from and after the passage  
 14 of this act, and completed within fifteen years thereafter:

15 *And provided moreover*, That if any road, at any time  
 16 after its completion, be discontinued or abandoned by said  
 17 company or companies, the grants hereby made shall cease  
 18 and determine, and said lands hereby granted revert back  
 19 to the general government: *Provided further*, That when  
 20 a location for either of said railroads or plank roads, ma-  
 21 cadamized turnpikes or sites for depots on the line of such  
 22 road or roads shall be selected, the proper officers of such  
 23 road or road shall transmit to the Commissioner of the  
 24 General Land Office a correct plat of the survey of said  
 25 road or roads, together with the survey of sites for depots  
 26 before such selection shall become operative: *Provided*  
 27 *further*, That none of the foregoing provisions of this act  
 28 shall apply to, or authorize any rights in any lands of the  
 29 United States other than such as are held for private entry  
 30 and sale, and such as are unsurveyed and not held for pub-  
 31 lic use by erection or improvements thereon.

1       SECT. 4. *And be it further enacted*, That the right of  
 2 way through the public lands of the United States lying in  
 3 Black Rock, in the county of Erie and State of New York,  
 4 be and the same is hereby granted to the Lockport and  
 5 Buffalo railroad company: *Provided*, That in the opinion  
 6 of the President of the United States such grant be not  
 7 injurious to the public interest, and that the location shall  
 8 be approved by the President as to the position and width

9 of the said railroad: *And provided further*, That if the  
10 said railroad shall not be completed within two years, or  
11 if at any time after its completion, the said railroad be dis-  
12 continued or abandoned, the grant shall cease and deter-  
13 mine.

Passed the House of Representatives, *July 22, 1852.*

Attest: P. BARRY HAYES, *Chief Clerk.*